



UNITED STATES DEPARTMENT OF COMMERCE  
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746635

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKETT NO.
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08/746,635 11/13/96 MURTHY

V 96700/341

EXAMINER

HM31/0819

CRAIG J ARNOLD  
AMSTER ROTHSTEIN AND EBENSTEIN  
90 PARK AVENUE  
NEW YORK NY 10016

SPIEGEL, C

ART UNIT

PAPER NUMBER

13

1641

DATE MAILED:

### EXAMINER INTERVIEW SUMMARY RECORD

08/19/98

All participants (applicant, applicant's representative, PTO personnel):

- (1) Elizabeth A. Bogosian, Reg. No. 39,911 (3) \_\_\_\_\_  
(2) Carol H. Spiegel (4) \_\_\_\_\_

Date of interview 10/28/97

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: all pending

Identification of prior art discussed: Olsson in particular plus other prior art -- added Szasz et al.  
Clin Chem 22/11: 1806-1811 (1976).

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Bogosian argued that

① while Olsson's conclusion, RBC AK correlated to hemolysis, was correct, Olsson got there the wrong way. ② Olsson was not measuring solely RBC AK b/c DAPP also ~~inhibited~~ muscle AK ③ serum/plasma contain both RBC + muscle AK ④ If based on the refs. the routineer would not know how to differentially measure RBC AK or even that it could be measured in serum. The Examiner maintained ⑤

Olsson provided the critical teaching correlating hemolysis to RBC AK ⑥ noted Olsson was  
(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

measuring blood bag samples ⑦ both the prior art of record ⑧ Szasz ref. suggested AK  
activity in serum and ⑨ differential measurement of RBC AK was routine  
1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

analogous to LDH isoenzyme measurement. Mrs. Bogosian to file response.  
2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

Examiner's Signature

Carol H. Spiegel